

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

KAREN A. ARNETT, et al.,	:	Case No. C-1-02-87
	:	
Plaintiffs,	:	(Judge S. Arthur Spiegel)
	:	
vs.	:	<b>DEFENDANT'S MOTION TO CONTINUE HEARING SCHEDULED FOR WEDNESDAY, MARCH 28, 2007 AT 2:00 P.M.</b>
WILLARD INDUSTRIES, INC.,	:	
Defendant.	:	

Defendant Willard Industries, Inc. ("Willard") moves this Court to continue the hearing presently scheduled for Wednesday, March 28, 2007 at 2:00 P.M., for the reasons set forth below. Willard requests that the Court reschedule the hearing for a date in about 90 days. Plaintiffs' counsel has graciously indicated that he does not oppose a continuance as long as a status conference is scheduled for the same date and time on March 28, 2007 at 2:00 P.M.

**MEMORANDUM IN SUPPORT**

Willard's President, Paul Thompson, the person who is most familiar with these proceedings, is very sick. He was diagnosed with lung cancer on September 29, 2006. He has been through a series of chemotherapy and radiation treatments over an extended period of time. His last dose of chemotherapy was two weeks ago. He is presently experiencing shortness of breath and general weakness, which make mobility difficult. These facts are confirmed by the letter from his physician, Edward J. Crane, M.D., a copy of which is attached hereto as **Exhibit A**. Simply stated, it would be hard for him physically to attend the hearing, and the stress involved would not be good for him.

Mr. Thompson's serious health condition, and the continued financial losses experienced by Willard, have prompted Willard to list its operating facility for sale with a realtor. It is

presently on the market. There are prospective buyers showing interest in acquiring the facility, none of whom would operate it as a foundry. If it is sold to such a buyer, the issues involved in the matter before the Court would be moot.

Because of his health condition and the continuing adverse financial situation at Willard, Mr. Thompson has also been trying to sell Willard's business operations to another operator. If this occurs, the acquirer will most likely move production to the acquirer's facility and Willard will shut down. If the business cannot be sold within a reasonable period of time, Willard will likely cease operations anyway.

These developments all have bearing on the issues before the Court. Willard believes that the situation should be clarified within the next 90 days, which may obviate any need for further hearing.

**WHEREFORE**, Willard requests that the hearing scheduled for Wednesday, March 28, 2007 at 2:00 P.M. be continued for a period of about 90 days for the reasons set forth above.

Respectfully submitted,

/s/Charles M. Meyer  
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Trial Attorney for Defendant

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Defendant's Motion To Reschedule Hearing For Wednesday, March 28, 2007 At 2:00 P.M. was served by electronic mail by the Court this 26<sup>th</sup> day of March, 2007 upon the following:

D. David Altman, Esq.  
D. David Altman Co., L.P.A.  
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/s/Charles M. Meyer

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